

REMARKS

Status of the Claims.

Claims 1-15 are pending with entry of this amendment, no claims being canceled and no claims being added herein. Claims 1, 4, 6, 9, and 12 are amended herein. Tables 3 and 4 are replaced. These amendments introduce no new matter. The formula of claim 1 is amended to clarify that aa²-aa³ is either one or two amino acids as shown in Table 3 and in Table 4. The amendment to amino acids aa² and aa³ in claim 1 finds support in Table 4. The amendment to claim 6 finds support at page 10, line 25. The amendment to claim 9 finds support at page 42, line 25. The amendment to claim 12 is for clarity.

Sequence Listing.

In compliance with sequence rules, 37 C.F.R. §§ 1.821-1.825 a disk containing the sequences presented in the specification in computer readable form, and a paper copy of the sequence information that has been printed from the floppy disk are provided herewith. The information contained in the computer readable disk was prepared through the use of the software program "PatentIn" and is identical to that of the paper copy.

Table 4.

The amendment to the specification reinstates Table 3 and Table 4 as originally filed with the addition of SEQ ID NOs. Contrary to the Examiner's assertion in Paper 26, Applicants are not required to present the peptide sequences with the three-letter abbreviation in Tables 3 and 4.

37 C.F.R. §1.822(d) cited by the Examiner pertains to the presentation of sequences in Sequence Listings, not in the body of the specification or in Tables. Applicants note that all of the sequences in the Application are presented in the format specified in §1.822 in the formal sequence listing provided herewith. Accordingly, the present application is in compliance with 37 C.F.R. §§ 1.821-1.825.

Formal Drawings.

The drawings were objected to as stated in the form PTO-948 provided with the Office Action. Applicants submit herewith replacement formal drawings thereby obviating this objection.

Obviousness-Type Double patenting.

Claims 1-15 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 5-13 of U.S. Patent 6,037,137. Applicants include herewith a Terminal Disclaimer thereby obviating this rejection.

35 U.S.C. §112, Second Paragraph.

A) Recitation of "Nlu".

Claims 1-15 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite because of the recitation of the amino acid "Nlu". Claims 1 and 4 are amended herein replace Nlu with Asn, consistent with the sequence listing and the claims as originally filed. Applicants believe this amendment obviates the rejection under 35 U.S.C. §112, second paragraph.

B) Formula of Claim 1.

Claim 4 was rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite because the sequence (SEQ ID NO:248) allegedly does not conform to the formula of claim 1. Applicants have amended the formula of claim 1 so that instead of reading "-(aa²-aa³)_k-" the formula now reads -aa²-aa³_k-. This amendment fully supported by the sequences illustrated in Table 3 and Table 4 where aa²-aa³ is always shown as either a single amino acid or two amino acids.

In view of this amendment, the sequence (SEQ ID NO:248) is consistent with the formula of claim 1 as illustrated below:

aa ¹	aa ²	aa ³	aa ⁴	aa ⁵	X	P	Y	aa ⁶	aa ⁷	aa ⁸ -aa ⁹	aa10	S ²
K	D			P	JG	LEHDGIN	GJ	P			K	GY

Applicants believe this amendment obviates the rejection under 35 U.S.C. §112, second paragraph.

In view of the foregoing, Applicants believes all claims now pending in this application are in condition for allowance, but for the filing of a Terminal Disclaimer. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Should the Examiner seek to maintain the rejections, Applicants request a telephone interview with the Examiner and the Examiner's supervisor.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 337-7871.

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Respectfully submitted,



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